

**Regional Water Quality Control Board
Central Valley Region
Board Meeting – 7/8 June 2012**

**Responses to Written Comments for the
Southern California Edison Company
Big Creek Powerhouse No. 1
Domestic Wastewater Treatment Plant
Fresno County
Tentative Waste Discharge Requirements/NPDES Permit
and
Tentative Time Schedule Order**

At a public hearing scheduled for 7/8 June 2012, the Regional Water Quality Control Board, Central Valley Region (Central Valley Water Board) will consider adoption of Waste Discharge Requirements (WDRs) (NPDES No. CA0079545) and a Time Schedule Order (TSO) for the Southern California Edison Company Big Creek Powerhouse No. 1 Domestic Wastewater Treatment Plant. The final meeting agenda will be available at http://www.waterboards.ca.gov/centralvalley/board_info/meetings/#2012 at least ten days before the meeting. The agenda will provide the date the proposed WDRs/NPDES permit and TSO will be heard, indicate the anticipated order of agenda items, and may include staff revisions to the proposed WDRs/NPDES permit and TSO.

This document contains responses to written comments received from interested parties regarding the tentative WDRs/NPDES permit and TSO circulated on 20 March 2012. Written comments from interested parties were required by public notice to be submitted to the Central Valley Water Board by 5:00 pm on 20 April 2012 to receive full consideration. Written comments were received from:

- Southern California Edison Company (SCE), 20 April 2012

Written comments from the above interested party are summarized below, followed by the response of the Central Valley Water Board staff.

SCE COMMENTS

SCE COMMENT 1: SCE requests that the term “adoption date” be substituted with “effective date” throughout the WDRs/NPDES permit and TSO to avoid confusion on its part during implementation, and requests all time schedules be based on the effective date.

RESPONSE: The requested change has not been made. The adopted WDRs/NPDES permit and TSO will include actual dates throughout and due dates will not refer to the adoption or effective dates. Additionally, the adoption and effective dates of the TSO are the same date.

SCE COMMENT 2: SCE notes that the final effluent limitations for copper, lead, and zinc in the proposed WDRs/NPDES permit are significantly different than the final effluent limitations included in Attachment 1 of the *Request for Infeasibility Report* letter from the Central Valley Water Board dated 8 November 2011. SCE requests that the final effluent limitations in the proposed WDRs/NPDES permit be replaced to reflect those included in the letter.

RESPONSE: The requested change has not been made. The *Request for Infeasibility Report* letter included proposed/preliminary effluent limitations for copper, lead, and zinc, among other constituents. The purpose of the letter was to notify SCE that new effluent limitations for certain constituents would be included in the NPDES permit renewal, and to allow SCE to request compliance schedules and provide proper justification for the compliance schedules. The copper, lead, and zinc effluent limitations included in the letter were based on limited effluent and receiving water data, including hardness (as CaCO₃) data, collected between December 2007 and July 2010. Subsequent to the letter, the copper, lead, and zinc criteria were re-calculated, as were the effluent limitations, using additional effluent and receiving water data collected between August 2010 and July 2011. The additional data included lower effluent and receiving water hardness values, which resulted in lower calculated criteria for copper, lead, and zinc.

SCE COMMENT 3: SCE states that the TSO is not directly referenced in the WDRs/NPDES permit and requests that it be listed under the Interim Effluent Limitations at section IV.A.2. to reflect the additional time allowed for compliance with new final effluent limitations.

RESPONSE: The requested change has not been made. SCE is essentially asking that the Board include within the NPDES permit compliance schedules for effluent limitations for copper, lead, nitrite plus nitrate (as N), and zinc. For these constituents, the *Policy for Compliance Schedules in National Pollutant Discharge Elimination System Permits* (Compliance Schedule Policy) does not allow compliance schedules to be included within NPDES permits.

Specifically, compliance schedules for copper, lead, and zinc effluent limitations are addressed by provision 2.c of the Compliance Schedule Policy because these effluent limitations implement existing criteria promulgated in the California Toxics Rule before July 1, 2005. As stated by the Compliance Schedule Policy, compliance schedules for effluent limitations implementing those criteria are dictated by the *Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California* (State Implementation Policy) and the California Toxics Rule. For these criteria, the State Implementation Policy does not allow compliance schedules that extend beyond 18 May 2010 to be included within NPDES permits for new effluent limitations that implement the California Toxics Rule.

Compliance schedules for nitrite plus nitrate (as N) are addressed by general provisions in the Compliance Schedule Policy stating that compliance schedules are only available for effluent limitations implementing a new, revised, or newly interpreted narrative water

quality objective. The water quality objective for nitrate plus nitrite is not new, revised, or newly interpreted within the meaning of the Compliance Schedule Policy. This numerically expressed water quality objective was in the Basin Plan before September 25, 1995, and is therefore not considered “new” or “revised.” Accordingly, the Compliance Schedule Policy does not authorize a compliance schedule for the permit’s nitrite plus nitrate (as N) effluent limitations.

In summary, including a reference to the TSO in the Interim Effluent Limitations section of the WDRs/NPDES permit would constitute inclusion of an unauthorized compliance schedule within the permit. The proposed WDRs/NPDES permit contains final effluent limitations that become effective upon the effective date of the permit. The proposed TSO, which is separate from the WDRs/NPDES permit, is a formal enforcement order that addresses noncompliance with the final effluent limitations. The TSO itself references the WDRs/NPDES permit, provides protection from mandatory minimum penalties, and includes schedules for achieving compliance with new final effluent limitations.

SCE COMMENT 4: SCE requests that the interim effluent limitation for nitrite plus nitrate (as N) in the TSO be revised to 25 mg/L based on more recent effluent data that show the discharge has exceeded the interim effluent limitation of 15 mg/L.

RESPONSE: The interim effluent limitation in the proposed TSO has been changed. Based on the procedures described in Finding No. 11 of the proposed TSO, and using the more recent nitrate and nitrite effluent data, a new interim effluent limitation of 19 mg/L is proposed.

SCE COMMENT 5: SCE requests that the effective date of the WDRs/NPDES permit be 120 days after adoption to allow for sufficient time to develop monitoring plans, make changes to operation and maintenance schedules, and provide training and budgeting for complying with new monitoring requirements.

RESPONSE: The requested change has not been made. Per the Memorandum of Agreement between the State Water Resources Control Board and the United States Environmental Protection Agency, the effective date of the WDRs/NPDES permit can only be one of two dates, either effective upon adoption by the Central Valley Water Board or effective 50 days after adoption if there is significant public comment. Given the existence of significant public comment, the appropriate final adoption date is 50 days after adoption by the Central Valley Water Board. Thus, Attachment E – Monitoring and Reporting Program will not take effect until 1 August 2012 for most of the monitoring requirements with some requirements taking effect later in the year or next calendar year.

SCE COMMENT 6: SCE requests that the 2-hour notification requirement included in Provision V.E.1 of Attachment D – Standard Provisions be extended to 8 hours, and requests guidance on specific events that constitute an endangerment of health or the environment.

RESPONSE: The requested 2-hour notification change has not been made. The 2-hour notification requirement is for any spill including any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into surface waters or drainage channels that is not permitted by the WDRs/NPDES permit (e.g., sanitary sewer overflow, sewage spill, chemical spill, etc.). SCE must notify the California Emergency Management Agency (formerly Office of Emergency Services) within two hours of becoming aware of any spill as described above. While staff recognizes that the facility is fairly remote, SCE has not demonstrated that it is unable or that it is infeasible to contact the proper agencies within two hours; therefore, it is unclear why an 8-hour notification period is more appropriate. The proposed WDRs/NPDES permit has been changed to reflect the requirement for notifying the California Emergency Management Agency.

As far as guidance regarding the term “endanger health or the environment”, Provision V.E.1 is a standard condition that is included in all Central Valley Water Board NPDES permits, and is based on a federal standard provision that is applicable to all NPDES dischargers (see 40 CFR 122.41(l)(6)(i)). Standard Provision VI.A.2.m. and Provision V.E.2. of Attachment D – Standard Provisions require 24-hour notification to the Central Valley Water Board of noncompliance with certain effluent limitations and all receiving water limitations, as well as notification of exceedances of any effluent limitations caused by an unanticipated bypass or facility upset. The term “endanger health or the environment” comes from the federal standard provision at 40 CFR 122.41(l)(6)(i). Central Valley Water Board staff recommends that SCE use its judgment to determine when a noncompliant event has occurred that may endanger health or the environment. Staff suggests that if in doubt, SCE should go ahead and report the noncompliant event.

SCE COMMENT 7: SCE requests a dilution factor greater than one for the accelerated chronic toxicity monitoring trigger.

RESPONSE: The requested change has not been made. SCE has not provided the necessary information to support a dilution factor for the accelerated chronic toxicity monitoring trigger. Necessary information includes, but is not limited to, a mixing zone study and a dilution ratio study.

SCE COMMENT 8: SCE notes that due to the current placement of the flow meter, it is not able to differentiate when flows are diverted to the overflow pond or discharged to Big Creek, but notes that it will modify its system to divert flows to the overflow pond when turbidity exceeds 0.2 NTU. SCE provides that when effluent turbidity exceeds 0.2 NTU, no discharge to Big Creek will occur. SCE also noted that it intends to install an effluent flow meter that will allow it to demonstrate when flows are discharged to Big Creek.

RESPONSE: Table E-3, Footnote 16 of Attachment E – Monitoring and Reporting Program was revised requiring SCE to report effluent flows as measured by the effluent flow meter once it is installed. Until the effluent flow meter is installed, staff suggests SCE look into its SCADA system to determine if it has the capability of recording which days the valve switched on to divert flows to the overflow pond and use this information to report which days discharge to Big Creek occurs.